

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

HOWARD E. NEASE and
NANCY NEASE,

Plaintiffs,

v.

CIVIL ACTION NO. 3:13-29840

FORD MOTOR COMPANY,
a Delaware Corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

Plaintiffs Howard E. and Nancy Nease submitted a proposed Bill of Costs in the amount of \$25,426.34 pursuant to 28 U.S.C. §§ 1920 and 1924, Rule 54(d) of the Federal Rules of Civil Procedure, and Rule 54.1 of the Local Rules of Civil Procedure. Defendant Ford Motor Company objects to the assessment of costs, arguing the issues in this case were too “close or difficult” to justify an award. *See Ellis v. Grant Thornton LLP*, 434 F. App’x 232, 235 (4th Cir. 2011) (“Among the factors that justify denying an award of costs are: (1) misconduct by the prevailing party; (2) the unsuccessful party's inability to pay the costs; (3) the excessiveness of the costs in a particular case; (4) the limited value of the prevailing party's victory; or (5) the closeness and difficulty of the issues decided.” (quoting *Cherry v. Champion Int’l Corp.*, 186 F.3d 442, 446 (4th Cir. 1999))). Ford does not make any line-item objection to any particular cost claimed by Plaintiffs.

“Rule 54(d)(1) is straightforward. It provides, in relevant part: ‘Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney’s fees—should be allowed to the prevailing party.’” *Marx v. General Revenue Corp.*, 133 S. Ct. 1166, 1172 (2013) (quoting Fed. R. Civ. P. 54(d)(1), in relevant part). Ultimately, however, the decision to award costs rests in the sound discretion of the district court. *Id.* (citations omitted). If a district court exercises its discretion and denies costs over the presumption in favor thereof, it “must justify its decision [to deny costs] by articulating some good reason for doing so.” *Cherry*, 186 F.3d at 446 (internal quotation marks and citations omitted).

Here, the Court finds the issues decided were not so close or difficult to support a denial of costs. Accordingly, the Court **DENIES** Ford’s objections and **DIRECTS** the Clerk of this Court to enter the Bill of Costs in favor of Plaintiffs in the amount of \$25,426.34.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 5, 2015



ROBERT C. CHAMBERS, CHIEF JUDGE